

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Mar 10, 2022**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

OSCAR CHAVEZ-GARCIA,

Defendant.

No. 4:21-CR-06028-MKD-2

ORDER FOLLOWING  
ARRAIGNMENT ON SECOND  
SUPERSEDING INDICTMENT

On Thursday, March 10, 2022, Defendant was arraigned on the Second Superseding Indictment (ECF No. 124). With Defendant's consent, Defendant appeared by video from the Spokane County Jail. Defendant was represented by retained counsel, Roger Peven. Assistant United States Attorney Todd Swensen represented the United States.

Defendant was advised of and acknowledged Defendant's rights.

Defendant pled not guilty.

The Court addressed detention in a previous order (ECF No. 101).

Defendant is bound over to Judge Mary K. Dimke for further proceedings.

1 The Court directs the parties to review the Local Criminal Rules governing  
2 discovery and other issues in this case. [http://www.waed.uscourts.gov/court-](http://www.waed.uscourts.gov/court-info/local-rules-and-orders/general-orders)  
3 [info/local-rules-and-orders/general-orders](http://www.waed.uscourts.gov/court-info/local-rules-and-orders/general-orders).

4 Under federal law, including Rule 5(f) of the Federal Rules of Criminal  
5 Procedure, *Brady v. Maryland*, 373 U.S. 83 (1963), and all applicable decisions  
6 from the Supreme Court and the Ninth Circuit interpreting *Brady*, the United States  
7 has a continuing obligation to produce all information or evidence known to the  
8 United States relating to guilt or punishment that might reasonably be considered  
9 favorable to Defendant's case, even if the evidence is not admissible so long as it is  
10 reasonably likely to lead to admissible evidence. *See United States v. Price*, 566  
11 F.3d 900, 913 n.14 (9th Cir. 2009). Accordingly, the Court orders the United  
12 States to produce to Defendant in a timely manner all such information or  
13 evidence.

14 Information or evidence may be favorable to a defendant's case if it either  
15 may help bolster the defendant's case or impeach a prosecutor's witness or other  
16 government evidence. If doubt exists, it should be resolved in favor of Defendant  
17 with full disclosure being made.

18 If the United States believes that a required disclosure would compromise  
19 witness safety, victim rights, national security, a sensitive law-enforcement  
20 technique, or any other substantial government interest, the United States may

1 apply to the Court for a modification of the requirements of this Disclosure Order,  
2 which may include *in camera* review and/or withholding or subjecting to a  
3 protective order all or part of the information.

4 This Disclosure Order is entered under Rule 5(f) and does not relieve any  
5 party in this matter of any other discovery obligation. The consequences for  
6 violating either this Disclosure Order or the United States' obligations under *Brady*  
7 include, but are not limited to, the following: contempt, sanction, referral to a  
8 disciplinary authority, adverse jury instruction, exclusion of evidence, and  
9 dismissal of charges. Nothing in this Disclosure Order enlarges or diminishes the  
10 United States' obligation to disclose information and evidence to a defendant under  
11 *Brady*, as interpreted and applied under Supreme Court and Ninth Circuit  
12 precedent. As the Supreme Court noted, "the government violates the  
13 Constitution's Due Process Clause 'if it withholds evidence that is favorable to the  
14 defense and material to the defendant's guilt or punishment.'" *Turner v. United*  
15 *States*, 137 S. Ct. 1885, 1888 (2017) (quoting *Smith v. Cain*, 565 U.S. 73, 75  
16 (2012)).

17 DATED March 10, 2022.

18 s/James P. Hutton  
19 JAMES P. HUTTON  
20 UNITED STATES MAGISTRATE JUDGE